

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Samuel Lament Barnette #231516

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

South Carolina Department of
See attached

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

RECEIVED
U.S. DISTRICT COURT
SOUTH CAROLINA, SC
2019 MAY 15 PM 12:17

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

Continue from Page 1

Defendant Being Sued



Correction classification Board

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Samuel Lament Barnette
 All other names by which you have been known:
Lament Barnette
Mont Barnette
 ID Number 231516
 Current Institution Lieber Correctional Institution
 Address P.O. Box 205, Ridgeville
S.C. 29472

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name SCDC classification board
 Job or Title classification case worker
 (if known)
 Shield Number Not Known
 Employer Not Known
 Address 4444 Broad River Rd, Columbia
S.C. 29210
☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name _____

Job or Title _____
 (if known)
 Shield Number _____
 Employer _____
 Address _____

☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name _____
 Job or Title _____
 (if known)
 Shield Number _____
 Employer _____
 Address _____

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____
 Job or Title _____
 (if known)
 Shield Number _____
 Employer _____
 Address _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

My 4th and 5th Amendments were violated because I was
not never convicted nor sentenced in 1993. I was
sentenced as a juvenile in 1989.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

I'm suing under section 1983: without going to court in 1993
Criminal offenses (1st degree burglary and (CSC) criminal
sexual conduct) were added to my adult file/record in
1993 by South Carolina Department of Correction [REDACTED]
See Attachment

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee

Continue from Pg. 4

II. Basis for Jurisdiction

↓
D.

Classification board / case worker without giving me the knowledge of committing such acts. AS a professional classification case worker he or she ~~do~~ have the knowledge that all Y.O.A. (Youth Offender Act) sentences is to remain inside of his or her juvenile file/record regardless to the age of the offender. However, the South Carolina Department of Correction classification caseworker mishandled the document and my juvenile file/record incorrectly and committed a major error in 1993. The South Carolina Department of Correction classification caseworker did make it seem as though I committed those two offenses in 1993 when it actually happened in 1989.

I was given a Y.O.A. SCDC # which was then 197513Y by the South Carolina Department of Correction classification caseworker at Broad River Corr. Inst. R&E in 1993. The letter Y on the end of 197513 mean youth offender. South Carolina Department of Correction classification caseworker or caseworkers simply did mishandle my juvenile and adult files/records and created a file/record against me that never was supposed to exist and that never existed ~~until~~ the month of April in the year 1993. I never went to court in 1993 and I never was sentenced as an adult in 1989 and the South Carolina Department of Correction classification caseworker(s) committed me to offenses and created a false record/file against me. Therefore, I did a double sentence which is called double jeopardy and again, I never was sentenced in 1993 and I was given a 1 to 6 year Y.O.A. sentence by the South Carolina department of correction classification in 1993 after doing 4 years at DYS. from 1989 to 1993 while serving a 18 to 48 months sentence.

- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

My claims arose in the South Carolina Department of Correction Broad River R&E in 1993. It happened in the month of April.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

I can not remember the time but I think the date was April the 9th or 10th in 1993. I do know for sure I turned 19 when I was shipped from DYS.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

In 1993 I was transferred from DYS to adult correction and the South Carolina Department of Correction classification case worker added my juvenile offenses into a adult file

See Attachment

Continue from Page 5

IV. Statement of Claim

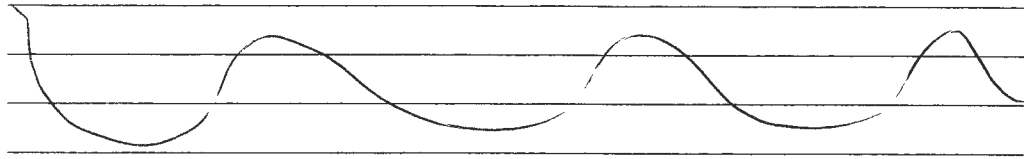


D.

which made those two offenses / charges my first as an adult that was false without me being found guilty by any court and judge in 1993. I also do not have a warrant and indictment for 1993. The South Carolina Department of Correction classification board and case worker(s) did not handle my juvenile file / record and document with proper and professional care that started a trend of down falls of my life when I was released in 1994. The South Carolina Department ^{of Correction} classification caseworker(s) on purpose did open up and created a adult file / record against me because he or she was not being professional at the time. No one else was involved other than the South Carolina Department of Correction classification board caseworkers at Broad River Correctional Institution R&E in 1993. No one else saw what happened other than the classification case worker that asked me questions at Broad River Correctional Institution R&E in 1993. The month was April 1993. I was then transferred from Broad River prison to a facility where all youth offenders served their sentence in 1993 to 1994 and it all ended in 1995. I did a over maxed-out sentence.



Continue From Page 5



V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I'm ^{swing} ~~requesting~~ for ~~me~~ ^{for having a} ~~me~~ \$11,600,600,000 for slandering and damage to my name and reputation; for ^{depriving} ~~me~~ from getting jobs; false background; for mishandling my institutional file, document, and record; for embarrassment; for doing an accession sentence without a charge; for
 See Attachment

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

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VI. Relief

Kidnap because I never went in front of a judge in 1993; for forgery because a SCDC adult file/record was created against me in 1993 with my name forged on the record/file in 1993; for mentally suffering; I'm again is **suing** for forgery because my name and photo(s) was placed on the internet, social media, and I had to register as a sex offender; for emotional distress from being turned down and walked off of jobs because of a false background; for false pretense because of background papers that came back on me when I applied for jobs; for deception because I was being deceived by the South Carolina Department of correction classification board and caseworker(s) in 1993; for anger and frustration; **I am suing** for a falsified background which was in the hands of SCDC classification board and caseworker(s); I'm **suing** for false accusations because I never got arrested in 1993; And I'm also **suing** for the abuse of my character and judgement of my character by the community and Social Media. I want the court to grant me all of the claim and money that is being sued for because SCDC classification ruined my life.

[REDACTED]

I do want the court to Expunge or Efface the 1993 SCDC adult file/record, and let the lower court know that I do not have to register as a sex offender.

[REDACTED]

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Broad River Correctional Institution R&E back
in 1993

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☒ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

It cover all of my claims. now because I
now know what happened in 1993. I did not know then
what SCJC classification did to me in 1993.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

- ☒ Yes
☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

I filed the grievance at Lieber correctional Institution. 2019 is the year, it was filed April 30, 2019.

2. What did you claim in your grievance?

I claimed the fact that SCDC ^{classification} added charges to my adult record in 1993 when it was suppose to remain in my juvenile file because I was transferred from a juvenile facility and received a ~~1 to 6~~ ^{1 to 6} Y.O.A. see Attached

3. What was the result, if any?

I am currently waiting on the return of the step 1 grievance. I never got a response from the Inmate to staff request I wrote from case worker Mrs. Ravenell.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

The process is not completed as of yet because I wrote the step 1 on my own accord because the Institution warden did not answer my request to proceed with the step 1 part of the grievance

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VII, Exhaustion of Administrative ^{Remedies} ~~_____~~
↓ Administrative Procedures

E. #2

Sentence in 1993. I never committed any offenses in 1993 and I was sent to a Y.O.A. facility even though I had already served 4 straight years at D.Y.S. (Department of Youth Service) without any additional charges. I also claimed in my grievance that the crimes were committed in 1989 and I was sentenced as a youth offender not adult. I was 14 years of age and turned 15 at DYS before I was sentenced at family court in 1989. I asked for the offenses to be removed from my adult file because it's false. I also claim that there isn't any document, indictment or warrant for 1993.



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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I did not file a grievance in 1993 because
I did not know SCDC classification added them
2 charges ~~to~~ into my adult record. I thought
they were still in my juvenile file/record.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I sent the head classification case worker Mrs.
Ravenell an inmate request stating / explaining the
situation and I haven't received an response.
she's here a Lieber Corr. Inst. I also wrote
See Attachment

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I wrote the Lieber corr. Inst. warden a inmate request asking
him if I can proceed to do my step 1 grivence and that I need
his permission. I was told to get with the case worker.
See Attachment
 (Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

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VII. Exhaustion of Administrative Remedies Administrative Procedures

F. #2 Lieber Correctional Institution warden Williams a inmate request to staff member form explaining the situation and I asked him if he would give me permission to proceed with the step 1 grievance. The request was sent back and I was told to talk to my unit case worker. ~~the~~ The request I sent to Mrs. Ravenell was originally the one I mailed to classification headquarters in Columbia SC. Mrs. Ravenell however has not responded to the request. I also sent Mrs. Ravenell a message on the KIOSK machine here at Lieber Corr. Inst on 4-25-19. I asked her is a Y.O.A. 1 to 6 sentence is considered as a juvenile and do all juvenile charges stay inside of juvenile file/record. Still no response.

G. I then sent her a request that was returned to me from the classification headquarters in Columbia S.C. I again waited on her to return the inmate request or to come to the dorm/unit I'm housed in to talk with or to me about the request and still, I have not gotten a response from her and she is the head case-worker here at Lieber Corr. Inst. I then sent out or filed a step 1 grievance on 4-30-19. I gave the now unit assigned case worker Mrs. King a inmate request to staff form on 5-3-19 asking her questions regarding to the matters.

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Mrs. Ravenell the Head of classification here at Lieber corr. Inst. did not send back the request I sent to her. It's the request I wrote SCDC Headquarters of Classification in Columbia SC.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

CENTRAL CLASSIFICATION

TO INMATE: Samuel Barnette
SCDC #: 231516
INSTITUTION: Lieber CORRECTIONAL INSTITUTION
DORM: CA0017B
FROM: Central Classification
RE: Inmate Correspondence
DATE: April 5, 2019

The attached correspondence must be handled through the kiosk system and/or your assigned classification caseworker or case manager. Please submit all requests using the proper procedure.

Thanks.

Central Classification

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
LIEBER CORRECTIONAL INSTITUTION
INMATE REQUEST TO STAFF DISPOSITION

TO: Inmate Samuel Barnett SCDC# 23154 UNIT# CA 17
FROM: Patty Britt - Pooser - ICH (Inmate Clearing House)
SUBJECT: REJECTED INMATE REQUEST TO STAFF MEMBER FORM
DATE: April 3, 2019

I am in receipt of your inmate correspondence/Request to Staff Member form (SCDC -19-11). Your correspondence is being rejected in accordance to SCDC Policy, GA-06.04, Request to Staff Member and returned to you for the following reasons:

- ☐ Inmates must use the correct form (Request to Staff Member SCDC 19-11) and attachments will not be accepted.
- ☒ Inmates are only allowed to submit one issue per RTSM, which must be written legibly (to the appropriate area) and must be limited to a single sheet.
- ☐ Inmates are prohibited from sending duplicate or similar RTSM to multiple staff members.
- ☐ The RTSM is intended for use by an individual inmate. (An inmate may not send a RTSM form from multiple inmates).
- ☐ You will have to enter your concerns through the KIOSK (Automated Request to Staff System.)

Patty Britt-Pooser
Patty Britt-Pooser - ICH

This needs to be addressed with Classification. To request in Kiosk from your regarding this matter. Write your case worker.

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: Warden Williams	TITLE: Lieber Inst. Head Warden	DATE: April 2, 2019
INMATE'S NAME: Samuel Lamont Barnette		SCDC #: 231516
INSTITUTION: Lieber Corr. Inst		LIVING QUARTERS: Cooper-A-17. Warden's Office
<p>Dear warden Williams</p> <p>I'm writing you this request to inform you that I'm completing the first step to write a grievance sir. I'm writing this grievance against SCDC classification from 1993 because when I [REDACTED] was sentenced to 10 years [REDACTED] for burglary. I found out that the 1993 classification added a CSC and 1st degree burglary to my adult record when it was suppose to remain in my juvenile record because I never went home from 1989 (the year of the crimes) to 1993. I was transferred to adult correction and given a 1 to 6 (Y.O.A) youthful Offender Act bid. However sir, I had already did 4 years at D.Y.S. I never committed those crimes in 1993. Those charges should've stayed in my juvenile record sir. Those two old charges was used against me and caused me to receive 10 years sir which I should have never got. Again sir, I'm only is completing the first step. Will you please answer this request back soon as possible so that I can proceed with the step 1 of my grievance? Thank you so much sir.</p> <p>(P.S.) I found out that those 2 charges was on my adult record when I went to court in 2018. My bond hearing July 22, 2018</p> <p align="right">Sincerely yours, Samuel Barnette</p>		
DISPOSITION BY STAFF MEMBER:		
DATE:	SIGNATURE:	

Deeds

Mrs. Ravenel,

Greetings mam. ~~As~~
Being that you're in a
high position as the
head case worker at
L-E, I need a
professional response.

I was transferred from
DYS in 1993 after doing
4 years there to Alford
River CI and I received
a 1 to 6 % O.A. sentence.
I did not

I did another year on a Y.O.A, yard and I need to know if a youthful offender is considered as a juvenile and do all youth offender charges remain in a juvenile file/record?

Request To Staff

To: Ms. King Title: Cooper unit case worker
From: Samuel L. Barnett SCDC# 231516
Institution Lieber Corr Inst Dorm Rm# Cooper - A-17

Ms. King,

In 1993 I was transferred from D.Y.S. (the department of youth service) to Broad River Corr Inst and given a 1 to 6 y.o.A. (youth offender) sentence. However, I did 48 months at D.Y.S. and I never had another criminal case other than what I was there for, once I went to broad River R&E the classification there gave me the 1 to 6 y.o.A. sentence. However, the case worker ~~there~~ added those charges to my adult record/file and I never went to any court in 1993. I was sentenced in family court to DYS in 1989.

What I want to know is this... Do a person that is doing a y.o.A sentence ~~is~~ considered as a juvenile or adult?

And do all y.o.A. charges supposed to stay in his or her juvenile record/file? It's very important that I get this request back as quickly as possible. I had already did 4 years at DYS before I was transferred to Broad River R&E and given the 1 to 6 which was already maxed out when I ~~received~~ received it.

Greetings Mr. Barnett:

Unfortunately, I will be unable to assist you with this particular matter. I was informed to direct you to Mrs. T. Ravenell who is helping with Cooper Units Classification. Write her a ~~for~~ request because she will be more suited to assist you.

- Best Regards

Ms. King

Elia



If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*
- _____
- _____


IX. Certification and Closing


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 9, 2019.

Signature of Plaintiff Samuel Lamont Barnette 

Printed Name of Plaintiff Samuel Lamont Barnette 

Prison Identification # 231516

Prison Address P.O. Box 205

Ridgeville, SC. 29472

City State Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address

Telephone Number

E-mail Address
